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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,178	12/27/2000	Takuya Uchiyama	1614.1108	2991

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EXAMINER

AWAD, AMR A

ART UNIT	PAPER NUMBER
2675	//

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,178

Applicant(s)

UCHIYAMA, TAKUYA

Examiner

Amr Awad

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-7, 9-11, 13-15, 17-19, 21-23, 25-27, 29-31, 33-35 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama et al. (US patent NO. 5,406,307; hereinafter referred to as Hirayama) in view Dunthorn (US patent NO. 4,914,624).

As to independent claim 1, Hirayama (figures 3B, 4A and 4B) teaches a coordinate detection device that includes, an input unit (input tablet 2) which has a surface thereof to which a coordinate value is input by an input means (pen 3) (col. 3, lines 7-23). Hirayama teaches a calculation unit which calculates a difference between previous and current coordinate values input by the input unit (the difference between the previous and current coordinate values are the difference between the initial position of the pen 3 and the final location (designated by the position of the cursor 42), wherein the coordinate values being successive over detachment of the input means (the successive detachment is carried out by touching an icon on the display; drags the pen and then releasing the pen (i.e., detachment)) (col. 4, line 65 through col. 5 line 12 and abstract). Hirayama teaches setting a coordinate value input last before the input means is detached from the surface of the input unit as the previous coordinate value to a

coordinate value input first after the input means is detached from the surface of the input unit (this is carried out by having the position of the pen (3) before detached is the same after detaches which allows the enlarging of the window) (col. 6, lines 3-21).

Hirayama does not expressly teach that the coordinate values before and after the input means (3) is detached. Hirayama also does not teach calculating the distance between coordinate values of a previous and current input.

However, Dunthorn (figures 1-2) teaches a coordinate detection that includes a touch screen (16), wherein the user can touch the display in location (22) to create a virtual button, and then successively touch another location (29) to be the coordinate value of the previous input operation (for that, Dunthorn shows that after touching the location (22), the user touches a second location (29) with his thumb, the distance between the two touches is calculated to set a new location for the virtual button, and to canceling the function originally called up by depressing the location (22)) (col. 3, lines 13-23 and col. 6, lines 34-55).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching Dunthorn's device having the user able to enter successive input to be incorporated to Hirayama's device so as to be able to extend the functionality of touch to create discrete functions like creating virtual buttons, and therefore, increasing the versatility of the device. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to also include the teaching of measuring the distance between the first and the second inputs,

so as to measure the relative locations between the two input for certain input requirement, and thus increasing the accuracy of the device.

As to claim 2, the flowchart of figure 4A of Hirayama's device, the step S7 where the device checks whether the user holds up the point of pen 3, and based on the condition, the device changes the mode either moving the enlarged icon (step S8) or step S9 whereat the icon is activated (col. 6, lines 3-21) which fairly reads on the changing of the operation mode. The claim can be also broadly interpreted as having the relative mode as activating the location (26) and canceling location (22) as described in Dunthorn's device, and the relative mode as the alternative option of timing the touch (22) (col. 6, lines 48-65).

As to claim 3, Hirayama teaches that the determination of the operation mode of the input unit is based on a contact area formed by a contact of the input means with the surface of the input unit (col. 6, lines 3-21).

As to claims 5-7, method claims 5-7 are substantially similar to apparatus claims 1-3 and would be analyzed as previously discussed with respect to claims 1-3.

As to claims 9-11, the claims are substantially similar to the device of claims 1-3 and would be analyzed as previously discussed with respect to claims 1-3.

As to claims 13-15, method of claims 13-15 is substantially similar to the method of claims 5-7 and would be analyzed as previously discussed with respect to claims 5-7.

As to claims 17-19, 21-23, 25-27, 29-31, 33-35 and 37-39, the claims are substantially similar to the claims 1-3, 5-7, 9-11 and 13-15, and would be rejected similarly as discussed above.

3. Claims 4, 8, 12, 16, 20, 24, 28, 32, 36 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama and Dunthorn as applied to claims 1 and 5 above, and further in view of Furuata et al. (US patent NO. 5,943,043; hereinafter referred to as Furuata).

Note the discussion of Hirayama and Dunthorn above. As can be seen Hirayama and Dunthorn teach all the limitations of claims 4, 8, 12 and 16 except the citation of determining the operation mode of the input unit based on a time during which the input means is detached from the surface of the input unit.

However, Furuata (figure 4) teaches a touch panel device wherein the action taking in the device is based on the time (col. 5, line 45 to col. 6, line 6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to make the changing mode of the device based on the time, to be included in the Hirayama's device so as to provide an accurate output based on the user's determination.

Response to Arguments

4. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

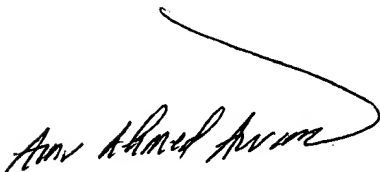
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yano et al. (US Patent NO. 6,229,529) teaches a write point directing circuit to detect multiple write points.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amr Awad whose telephone number is (703)308-8485. The examiner can normally be reached on Monday-Friday, between 9:00AM to 5:30PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4750.

A handwritten signature in cursive script, appearing to read "Amr Awad", with a long, sweeping horizontal line extending to the right.

A.A
May 13, 2004